

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF THE RULE REVISION ADVISORY GROUP
SIERRA VISTA, AZ**

A public meeting of the Rule Revision Advisory Group was convened on March 17, 2004, at the Windemere Hotel, located at 2047 S. Highway 92, Sierra Vista, AZ.

Members Present:

Chairman Gerald Richard
Ms. Beverly Ginn
Chief Tony Daykin
Sheriff John Armer
Chief Terry Ringey
Chief Mervin Yoyetewa
Dr. Michael Polakowski

Members Absent:

Chief Deputy Dave Hendershott

Staff in Attendance:

Tom Hammarstrom
Lyle Mann
Lynn Larson
Ted Brandon
Curt Milam
Steve Jacobs
Rosalee Fitch
Lois Sherlock

Counsel for Board in Attendance:

Diana Stabler, Asst. A.G.

Guest Roster:

Rod Covey, AZ DPS
John Brewer, Gilbert Police Department
Robert L. Oberosler, Yuma County Sheriff's Office
Vincent Fero, AZ DPS
Steve Roethle, AZ DPS
Steve Tritz, AZ DPS
Daniel Long, AZ DPS

Dan Pakkala

I. CALL TO ORDER

Chairman Richard convened the meeting at 9:10 a.m., and welcomed Chief Yoyetewa as a new member to the Group.

II. OLD BUSINESS

A. Review of Past Committee Actions

1. Open Enrollment Cadets:

There has been considerable discussion concerning the issue of how open enrollees are treated in POST rules. The Board's enabling statute was changed to allow individuals who were not yet appointed by an agency to attend an academy, but only if they met minimum qualifications. The current rules outline certain responsibilities and authorities for agencies and agency heads but refer to them in terms of "appointment." There were changes suggested that would have given the head of an academy the same authority as an agency head concerning "open enrollment" cadets only. This issue has been brought before the Group on three different occasions. It was the consensus of the Group that this agenda item be removed, and the rule will remain unchanged.

2. Specialist Instructors:

There was a typing error on the last rule promulgation. There was an inadvertent "and" where there should have been an "or." This created a situation where individuals such as legal advisors and fingerprint technicians would have to attend an instructor school before they could teach in an academy or for in-service training. This issue has been passed by this Group and will be reflected in any new rule promulgation packet.

3. Proficiency Instructors to include Firearms Instructors:

This committee has approved adding "Firearms Instructors" to the list of Proficiency Instructors, and this change will be reflected in any new rule promulgation packet.

B. Steroid Use

The question under discussion is whether or not the rules should be changed to reflect the fact that steroids are different from other dangerous drugs and narcotics. AZ POST rules have not clearly defined the term “use”, and this has led to some discussion as to interpretation. Compliance Specialist Steve Jacobs explained that when agency files are reviewed, POST staff applies three different dates to steroid use. Before 1989, steroid use is not considered at all. Steroid use between 1989 and 1994 is considered abuse of prescription drugs, and is looked at differently than illegal use of drugs. This does not come under the seven year rule. In 1994, steroid use was designated a dangerous drug, and thus, steroid use since 1994 is considered illegal use of dangerous drugs. AZ POST consistently applies those standards when reviewing files. Chairman Richard requested staff publish this information on a regular basis.

Sheriff Armer made a motion this issue be removed from future discussion, and directed staff publish the above information within the next six months, seconded by Dr. Polakowski, motion carried unanimously.

C. Juvenile Drug Usage/Juvenile Indiscretion

Currently, if a person has ever illegally sold, produced, cultivated or transported marijuana for sale, or has ever illegally sold, produced, cultivated or transported for sale any dangerous drug or narcotic, other than marijuana, they are permanently precluded from being appointed regardless of their age at the time of the act or the passage of time since the act. The question under discussion is whether a procedure should be created that would allow an agency head to petition the Board concerning juvenile conduct that was very remote. The idea would be to permit the person to become certified upon certain findings, such as age, responsibility, and so on.

After a lengthy discussion, AZ POST Executive Director Tom Hammarstrom suggested the Group direct staff to write a letter and survey the agency heads for their input on this issue. The Group agreed with Director Hammarstrom's suggestion, and directed staff to bring this topic back for discussion at the July Board meeting.

D. Comprehensive Test as a Graduation Standard

Staff is seeking direction from the Rules Advisory Group concerning the considerations which need to be taken into account as the comprehensive exam is instituted as a graduation standard. At the Rules meeting held in Laughlin, Nevada in September 2003, the Group directed staff to send a letter to each agency head requesting their input. Nineteen agencies responded. The Group directed staff to incorporate the suggestions from the responding agencies into a draft rule for the Group to consider at the next Rules meeting in July.

III. CALL TO THE PUBLIC

None received.

IV. ADJOURN

Chairman Richard adjourned the meeting at 10:20 a.m.

Dated March 25, 2004

Lois Sherlock, Recording Secretary